

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

-----X
UNITED STATES OF AMERICA, : JURY TRIAL DEMANDED
Plaintiff, : No. 3:12-CR-224
v. : Hon. A. Richard Caputo
RICHARD J. HARLEY, : FILED
Defendant. : SCRANTON
-----X
PER *gut* .
DEPUTY CLERK

**DECLARATION OF DANIEL M. KUHN IN SUPPORT OF THE FEDERAL
RESERVE BANK OF NEW YORK'S MOTION TO QUASH
SUBPOENAS SERVED ON CHRISTOPHER J. McCURDY**

I, Daniel M. Kuhn, declare under penalty of perjury as follows:

1. I am an attorney with the Federal Reserve Bank of New York's (the "New York Fed"). I work in the New York Fed's Enforcement, Litigation and Investigation Division ("ELI"). I submit this Declaration in support of the Motion to Quash Subpoenas Served on Christopher J. McCurdy, a former employee of the New York Fed.
2. Attached hereto as Exhibit A is a true and correct copy of a subpoena that Defendant Richard Harley caused to be served on Christopher J. McCurdy. I agreed to accept service on Mr. McCurdy's behalf on December 2, 2014. The New York Fed represents Mr. McCurdy in connection with this subpoena.
3. I submit this affidavit in support of the motion to quash the McCurdy Subpoena.
4. Some of the documents that are likely to be the subject of Mr. McCurdy's testimony were produced by the New York Fed, but were originally received by the New York Fed from Defendant. None of the documents likely at issue were found in the New York Fed's records unless they were originally provided to the New York Fed by Defendant.

5. Sahil Godiwala was an attorney and an Officer in the Enforcement, Litigation, Protection, and Investigation Division (“ELPI”, now called “ELI”) within the New York Fed’s Legal Function.

6. Attorneys and Investigators in ELI support the New York Fed’s efforts to combat frauds and scams in which criminals invoke the name of the Federal Reserve System and banks within the Federal Reserve System to deceive the public. That often requires interaction with victims and perpetrators of a particular fraud or scam.

7. On December 4, 2014, Defense counsel sent me an email with “documents that may be of interest to Mr. McCurdy,” attaching a number of documents that the New York Fed had not previously seen. Those documents, to the extent potentially pertinent to Mr. McCurdy’s expected testimony, are described herein.

8. Attached hereto as Exhibit B is a copy of an email that was allegedly sent by an email account “chrismccurdy64@aol.com” at 3:33am on November 10, 2008. Also attached as Exhibit B are images of two checks purported attached to the November 10, 2008 email, each appearing to be United States Treasury checks in the amount of \$500,000,000.

9. Attached hereto as Exhibit C is a copy of an email that was allegedly sent from the “chrismccurdy64@aol.com” email account on May 4, 2009 at 3:17 pm. Also attached as Exhibit C is a “To whom it may concern” letter, also dated May 2009. The May 4, 2009 “To whom it may concern” letter was provided to the New York Fed by Defendant’s counsel on December 4, 2014, and was not previously in the New York Fed’s possession.

10. The May 4, 2009 “To whom it may concern” letter is purportedly signed by Ben S. Bernanke and Donald L. Kohn. Ben Bernanke was the Chairman and Donald Kohn was the Vice Chairman of the Board of Governors of the Federal Reserve System, which is located in Washington D.C., and neither had any position in the New York Fed.

11. Attached hereto as Exhibit D is a copy of an email that was allegedly sent from the "chrismccurdy64@aol.com" email account on February 17, 2009 at 6:21 am. The February 17 email was provided to the New York Fed by Defendant's counsel on December 4, 2014, and was not previously in the New York Fed's possession. The email appears to have attachments, but the New York Fed was not provided with copies of the attachments.

12. Attached hereto as Exhibit E is a copy of an email that was allegedly sent from the "chrismccurdy64@aol.com" email account on January 12, 2009 at 3:43 am. The January 12 email was provided to the New York Fed by Defendant's counsel on December 4, 2014, and was not previously in the New York Fed's possession. The email appears to attach six files called "SKR Yohannes Riyadi_500B", but the New York Fed was not provided with copies of those files.

13. Attached hereto as Exhibit F is a copy of an April 2010 letter, addressed to no one, and confirming information about funds apparently held by "Truworth Holdins, Ltd." This document the "April 2010 document" in the memorandum in support of the New York Fed's motion to quash, was sent to the New York Fed by Defense counsel on December 4, 2014, and was not previously in the New York Fed's possession. The email appears to have attachments, but the New York Fed was not provided with copies of them.

14. Attached hereto as Exhibit G is a true and correct copy of the Affidavit of Christopher J. McCurdy in support of the motion to quash.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: December 9, 2013
New York, NY



Daniel M. Kuhn
Attorney
Federal Reserve Bank of New York

Case 3:12-cr-00224-ARC Document 115 *SEALED* Filed 12/01/14 Page 2 of 3

AO 90 (Rev. 08/02) Subpoena to Testify at a Hearing or Trial in a Criminal Case

UNITED STATES DISTRICT COURT
for the

United States of America)	
v.)	
Richard J. Harley)	Case No. 3:12-CR-224
Defendant)	Honorable A. Richard Caputo

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Chris McCurdy, Sr.
Federal Reserve Bank
33 Liberty Street
New York, NY 10045

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: HAR庭所: United States Courthouse 197 South Main St., Wilkes-Barre, PA	Courtroom No.: 3
	Date and Time: December 12, 2014 9:00 A.M.

You must also bring with you the following documents, electronically stored information, or objects (if any applicable): All documents or records in your possession or under your control concerning Richard J. Harley, Joseph Tee Mai Kiat and Yohannes Riyadi, including but not limited to: (a) documents and records related to U.S. Treasury check 3122 19831730 drawn on the Federal Bank of New York to Joseph Tee Mai Kiat in the amount of \$500,000.00; (b) documents and records related to U.S. Treasury check 3122 19831731 drawn on the Federal Bank of New York to Yohannes Riyadi in the amount of \$500,000.00; (c) To Whom It May Concern letter of May 2009 concerning said checks; (d) safekeeping receipt of March 21, 2008 concerning said checks; (e) extended safekeeping receipts of April 14, 2008 concerning said checks. Copies of said documents are attached hereto.

(SELL)

Date: 11-26-2014

CLERK OF COURT MARIA E. ELKINS

Christie Lorraine Deputy Clerk
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Richard J. Harley, who requests this subpoena, are:

Joseph A. O'Brien, Esquire
Oliver, Price & Rhodes
1218 South Abington Road
P.O. Box 240
Clarks Summit, PA 18411
570-525-1200
jacob@oprlaw.com

Case 3:12-cr-00224-ARC Document 115 *SEALED* Filed 12/01/14 Page 1 of 3

U.S. Department of Justice
United States Marshal ServicePROCESS RECEIPT AND RETURN
See "Instructions for Service of Process on U.S. Marshal"

PLAINTIFF DIA	DEFENDANT Charles Hickey	COMPLAINT NUMBER 3:12-CR-724
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		TYPE OF PROCESS Subpoena
SERVING AT	John J. Murphy, Sr. Federal Reserve Bank ADDRESS: 33 Liberty St., New York, NY 10041	

SEND NOTICE OF SERVICE COPY TO REGISTRAR AT NAME AND ADDRESS BELOW		Number of process to be served with this Form 285
Joseph DiBrett, Esq. P.O. Box 280 Clark Summit, PA 18411		Number of parties to be served in this case
		Check for service on U.S.A.

RECEIVED U.S. MARSHAL 11/20/14		RECEIVED U.S. MARSHAL 11/20/14	RECEIVED U.S. MARSHAL 11/20/14
Total Process		Plaintiff Origin	Defendant Origin
67		No. 34	No. 34
		Signature of Authorized U.S.M. Deputy or Clerk	
		Date	
		11/20/14	

I, the undersigned U.S. Marshal, do hereby certify that I have served the process described below on the individual, company, corporation, etc. shown at the address indicated below.

RECEIVED U.S. MARSHAL 11/20/14		RECEIVED U.S. MARSHAL 11/20/14	
Total Process		Plaintiff Origin	Defendant Origin
67		No. 34	No. 34
		Signature of Authorized U.S.M. Deputy or Clerk	
		Date	
		11/20/14	
		Time	
		11/20/14	3:52 PM
		Signature of U.S. Marshal or Deputy	
		11/20/14	
		Amount of U.S. Marshal's fee	
		\$0.00	

RECEIVED - Defendant no longer works at location
Unet,

DISTRIBUTED TO: U.S. COMPTROLLER

PRIOR EDITIONS MAY BE USED

RECEIVED - U.S. Marshal with payment
RECEIVED - U.S. Marshal with paymentForm 285
Rev. 11/13

Case 3:12-cr-00224-ARC Document 115 *SEALED* Filed 12/01/14 Page 3 of 3

AO 10 (Rev. 02/07) Subpoena to Testify at a Hearing or Trial in a Criminal Case (Page 2)

Case No. 3:12-cr-00224-ARC

PROOF OF SERVICE

This subpoena for (name of individual and title, if any) Chris McCurdy, Sr.
 was received by me on (date) 11/20/14.

I served the subpoena by delivering a copy to the named person as follows: _____

on (date) _____; or

I returned the subpoena unexecuted because: The individual is no longer
 employed at the WNK. Per Gregorio Diaz - Paralegal - 212-720-5175

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ 5.

My fees are \$ 1.09 for travel and \$ 15.00 for services, for a total of \$ 166.09

I declare under penalty of perjury that this information is true.

Date: 11/21/14

Server's signature

DVS/AT Alison Honeyman

Printed name and title

500 Pearl St. Suite 400 New York NY 10007

Additional information regarding attempted service, etc:

3:12-224-2

Fwd: Cheque_Joseph

Thursday, April 9, 2009 12:11 PM

"Joseph Teo" <josephteo@gmail.com>
"jco" <jco@verizon.net>
jco@verizon.net
2 files (103KB) | F | A

From: Joseph Teo <josephteo@gmail.com>

- [1_b6_jpg_1000x800.jpg](#)
- [1_b6_jpg_1000x800.jpg](#)

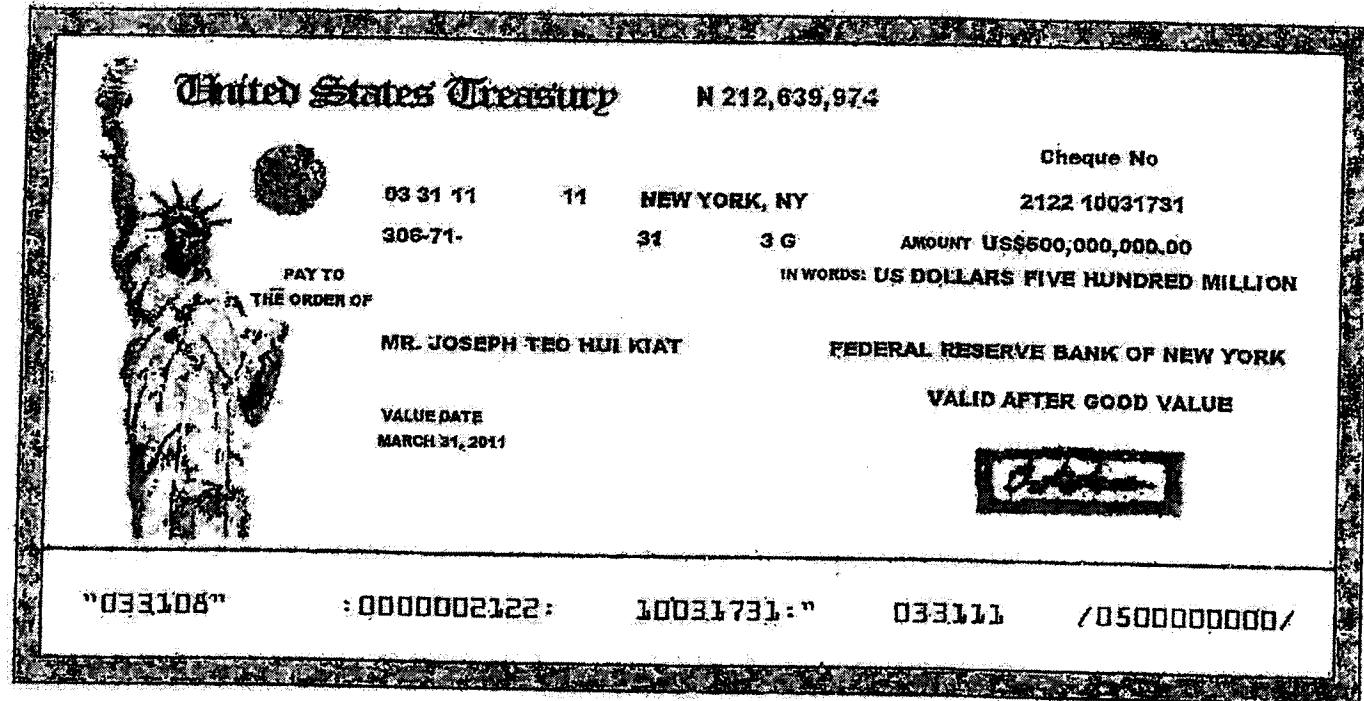
Dear Richard, I will be signing all the document.
Best regard Joseph

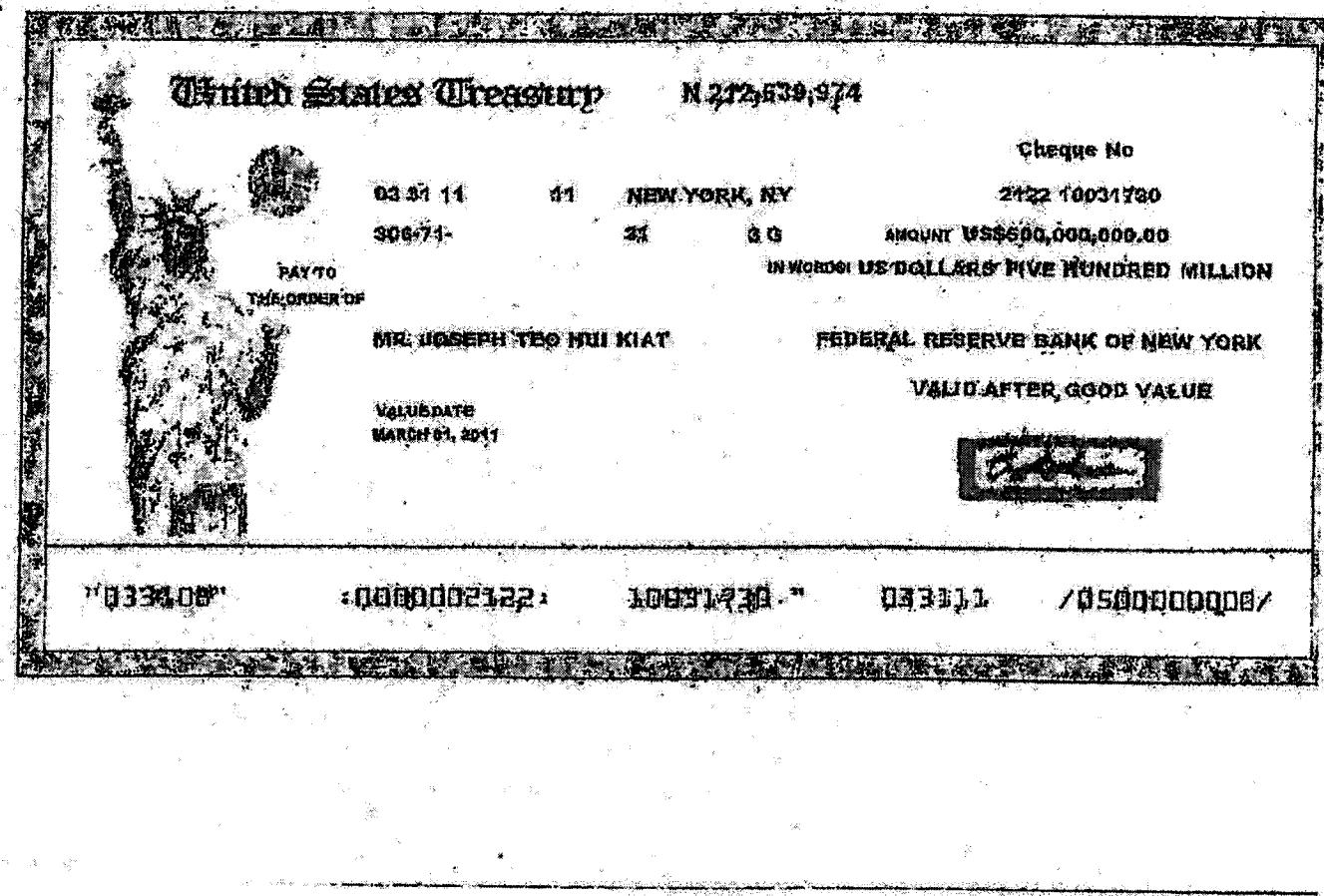
----- Forwarded message -----

From: Yohannes Riyadi <richard.yohannes@gmail.com>
Date: Mon, Nov 10, 2008 at 11:49 AM
Subject: Fwd: Cheque_Joseph
To: josephteo@gmail.com

----- Forwarded message -----

From: <yohannes.riyadi01@yahoo.com>
Date: Mon, Nov 10, 2008 at 3:33 AM
Subject: Cheque_Joseph
To: yohannes.riyadi01@yahoo.com





Highly Confidential

Federal Reserve Bank of New York 000018

Fwd: To whom it may concern_Josep Teo Hui Kiat

Monday, May 4, 2009 11:20 PM

From:

'Josef Teo' <josefleo@gmail.com>

[View contact details](#)

rjco@verizon.net

1 File (72KB)

To:

Message contains attachments

• **To whom it may concern_Josep Teo Hui Kiat.jpg**

----- Forwarded message -----

From: Yohannes Riyadi <vriyadi@gmail.com>

Date: Tue, May 5, 2009 at 11:19 AM

Subject: Fwd: To whom it may concern_Josep Teo Hui Kiat

To: josefleo@gmail.com

----- Forwarded message -----

From: <chrismccurdy64@aol.com>

Date: Mon, May 4, 2009 at 3:17 PM

Subject: To whom it may concern_Josep Teo Hui Kiat

To: vriyadi@gmail.com

Fwd: To whom it may concern Josep Teo Hui Kiat

"Josef Teo" <josefteo@gmail.com>
[View contact details](#)

rjco@verizon.net

1 File (72KB)

Monday, May 4, 2009 11:20 PM

From:

To:

Message contains attachments

• **To whom it may concern Josep Teo Hui Kiat.jpg**

----- Forwarded message -----

From: Yohannes Riyadi <yriyadi@gmail.com>
Date: Tue, May 5, 2009 at 11:19 AM
Subject: Fwd: To whom it may concern Josep Teo Hui Kiat
To: josefteo@gmail.com

----- Forwarded message -----

From: <chrismccurdy64@aol.com>
Date: Mon, May 4, 2009 at 3:17 PM
Subject: To whom it may concern Josep Teo Hui Kiat
To: yriyadi@gmail.com



Date: May 4, 2009
Ref: FRNY/00107136-05

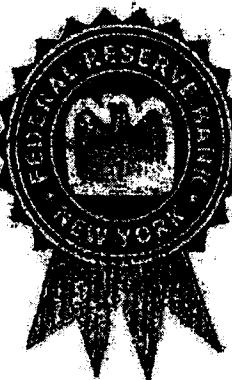
To whom it may concern:

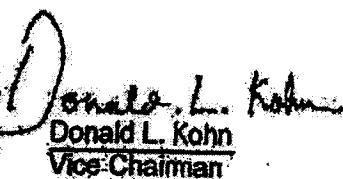
Please be advised that checks no. 212210031730, 212210031731 and the Safe Keeping receipt no. 021088506 dated April 14, 2008, issued to Mr. Joseph Teo Hui Kiat in the amount of one billion United States dollars (USD 1,000,000,000.00) are valid and negotiable.

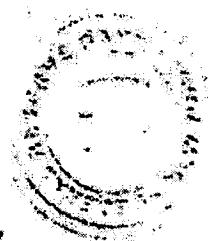
Yours Sincerely,


Ben S. Bernanke

Chairman




Donald L. Kohn
Vice Chairman



Fwd: SKR_Joseph Teo Hui Kiat_200B

"Josef Teo" <josefteo@gmail.com>
[View contact details](#)

jhco@verizon.net

6 files (617KB) | [Download All](#)

Monday, May 18, 2009 12:38 PM

From:

To:

Message contains attachments.

- [SKR_Joseph Teo Hui Kiat_200B_1.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_2.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_3.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_4.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_5.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_6.jpg](#)

----- Forwarded message -----

From: Yohannes Riyadi <yriyadi@gmail.com>
Date: Tue, Feb 17, 2009 at 3:14 PM
Subject: Fwd: SKR_Joseph Teo Hui Kiat_200B
To: josefteo@gmail.com

----- Forwarded message -----

From: <chrismecurdy64@aol.com>
Date: Tue, Feb 17, 2009 at 6:21 AM
Subject: SKR_Joseph Teo Hui Kiat_200B
To: yriyadi@gmail.com

Fwd: SKR_Yohannes Riyadi_500B

Saturday, May 2, 2009 12:36 PM

From:

To:

Message contains attachments

"Josef Teo" <josefteo@gmail.com>

[View contact details](#)

rjhco@verizon.net

6 Files (617KB) | [Download All](#)

- [SKR_Yohannes Riyadi_500B_1.jpg](#), [SKR_Yohannes Riyadi_500B_2.jpg](#)
- [SKR_Yohannes Riyadi_500B_3.jpg](#), [SKR_Yohannes Riyadi_500B_4.jpg](#),
[SKR_Yohannes Riyadi_500B_5.jpg](#), [SKR_Yohannes Riyadi_500B_6.jpg](#)

----- Forwarded message -----

From: Yohannes Riyadi <yriyadi@gmail.com>

Date: Tue, Jan 13, 2009 at 2:27 PM

Subject: Fwd: SKR_Yohannes Riyadi_500B

To: josefteo@gmail.com

----- Forwarded message -----

From: <chrismccurdy64@aol.com>

Date: Mon, Jan 12, 2009 at 3:54 AM

Subject: SKR_Yohannes Riyadi_500B

To: yriyadi@gmail.com

FEDERAL RESERVE BANK
33 LIBERTY STREET
NEW YORK, NEW YORK, 10045, U.S.A.
PHONE : (212) 720 5000 FAX : (212) 720 6331

DATE : APRIL 2010
REF. : FRNY

TO: MR.
CC: MR.

DEAR MR.

THIS LETTER PREPARED BY THE US FEDERAL RESERVE WILL CONFIRM THAT
TRUEWORTH HOLDINGS, LTD HAS ON ACCOUNT, # ^{Number} ONE TRILLION EURO,
LOCATED AT HSBC, LONDON AND IS IN GOOD STANDING AND FULLY ACTIVE.
THE FUNDS ON DEPOSIT IN THIS ACCOUNT ARE NON LEASED FUNDS BUT ARE
CLEAR, CLEAN AND UNENCUMBERED CASH FUNDS AVAILABLE FOR ANY TYPE OF
CREDIT LINE. FURTHERMORE WE CONFIRM THE FUNDS WERE BLOCKED AS
REQUESTED BY ^{Trader's Name} OF ^{Company or Platform Name} FOR HIS BANK ^{Name}
Address ^{With Final Beneficiary For} ^{Bank, Company or Platform Name} AS SHOWN ON
THE EUROCLEAR PRINT OUT.

YOURS SINCERELY,

CHRIS MC CURDY
SENIOR VICE PRESIDENT (G)

B. GERARD DAGES
VICE PRESIDENT (BGO VP)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

	X
UNITED STATES OF AMERICA,	:
Plaintiff,	:
v.	:
RICHARD J. HARLEY,	:
Defendant.	:
	X

JURY TRIAL DEMANDED
No. 3:12-CR-224
Hon. A. Richard Caputo

**AFFIDAVIT OF CHRISTOPHER J. McCURDY IN SUPPORT OF THE FEDERAL
RESERVE BANK OF NEW YORK'S MOTION TO QUASH**

I, Christopher J. McCurdy, declare under penalty of perjury as follows:

1. On December 2, 2014 the Defendant served a subpoena which the Federal Reserve Bank of New York (the "New York Fed") accepted on my behalf (the "McCurdy Subpoena"). The McCurdy Subpoena compels me to testify at trial on December 11, 2014, and seeks the production of documents "concerning Richard J. Harley, Joseph Hui Kiat and Yohannes Riyadi..." relating to two purported \$500,000,000.00 U.S. Treasury checks allegedly held by the New York Fed.
2. I submit this affidavit in support of a motion to quash the McCurdy Subpoena.
3. Quashal is appropriate because I lack knowledge of the documents and facts about which I am subpoenaed to testify. As set forth in greater detail below and in the memorandum of law in support of the motion to quash, I cannot offer any material or favorable testimony for the Defendant.
4. I was employed by the Federal Reserve Bank of New York for 36 years, until my retirement in December, 2009.

5. During the time period that is relevant in this case, 2009-2010, I worked in the Executive Office as Senior Advisor to the President of the Federal Reserve Bank of New York, William C. Dudley.

6. I currently live in New York City, which is over 100 miles from the United States Federal Courthouse in Wilkes-Barre, Pennsylvania. Travel to and from Wilkes-Barre would be burdensome.

7. The attorneys at the New York Fed who are moving to quash the McCurdy Subpoena have shown me certain documents that are the likely subject of my anticipated testimony. I have reviewed the documents, which include:

- a. An email from a “chrismccurdy64@aol.com” email account, that appears to have been originally sent at 3:33 am on November 10, 2008 (the “Nov. 10 email”), which attaches two purported U.S. Treasury checks each in the amount of \$500 million;
- b. An email from the “chrismccurdy64@aol.com” email account, that appears to have originally sent at 3:17 pm on May 4, 2009 (the “May 4 email”), which attaches a “to whom it may concern letter”;
- c. An email from the “chrismccurdy64@aol.com” email account, that appears to have originally sent at 6:21 am on February 17, 2009 (the “Feb. 17 email”);
- d. An email from the “chrismccurdy64@aol.com” email account, that appears to have originally sent at 3:54 am on January 12, 2009 (the “Jan. 12 email”);
- e. A document purportedly on “Federal Reserve Bank” letterhead, dated April 2010 and directed “TO: MR.” and “DEAR MR.” (the “April 2010 document”).

8. I have never seen any of these documents before, and make the following sworn statements about them:

- a. I did not create, and I have never used an email account with the email address “chrismccurdy64@aol.com”;

b. I never used a personal email account to conduct business relating to the New York Fed, accordingly, even if this was my email address – and it is not – under no circumstances would I ever have used it to conduct New York Fed-related business;

c. To the best of my recollection, I have never sent an email to “yriyadi@gmail.com,” and I did not email “yriyadi@gmail.com” on November 10, 2008, January 12, 2009, February 17, 2009, or May 4, 2009;

d. I am not familiar with Yohannes Riyadi, Joseph Teo Hui Kiat, or Richard Harley;

e. I have never seen the two purported \$500 million U.S. Treasury checks that are allegedly attached to the November 10 email;

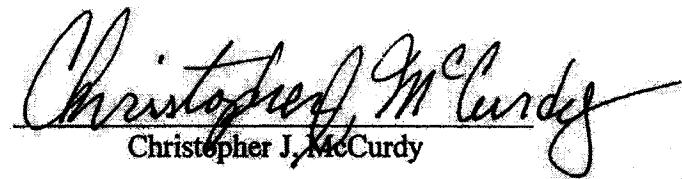
f. I have never seen the “to whom it may concern letter” attached to the May 4, 2009 email;

g. I have never seen, and did not sign, the April 2010 document. The signature appearing on that document does not match my signature, and is a forgery.

9. I am not aware of any other documents relating to the issues and documents referenced herein or specifically requested in subpoena.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: December 7, 2014
New York, NY



Christopher J. McCurdy

STATE OF NEW YORK)

)
COUNTY OF NEW YORK)

Sworn before me on this 7th of December, 2014



Notary Public

Commission Expires: 10/7/17

KARINE LOUIS
Notary Public, State of New York
No. 02L06289078
Qualified in New York County
Commission Expires 10/7/2017